

Attorney's Docket No.: TUC920030072US1

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

In re application of: Fisher et al. **Group:** 2186
Serial No.: 10/644,139 **Examiner:** Tuan Thai
For: **APPARATUS, SYSTEM AND METHOD FOR SWITCHING DATA
LIBRARY MANAGERS.**

1. This action is responsive to communication filed January 28, 2008. Claims 1-7, 9-10, 12-15, 17-21, 23-26, 28 and 30-36 are now allowed. Claims 8, 11, 16, 22, 27 and 29 have been canceled.

REASONS FOR ALLOWANCE

2. The following is an Examiner's Statement of Reasons for Allowance:

The prior arts of record do not teach nor suggest, *either alone or in combination*, all the limitations of the amended claims of the current invention (claims 1, 10, 12, 15, 19 and 24). Particularly, the prior arts of record do not teach nor suggest all the combined limitations in each amended claim separately. The discussion of the reasons for allowance shall

be directed to claim 1 in which the Examiner shall designate as the primary invention in this application; however, the reasons for allowance will also apply to other indicated independent claims 10, 12, 15, 19 and 24 due to the similar allowable subject matters. Carlson (5,544,304), Meyer (2002/0188711), Carlson PGPUB (2003/0217078) and Matsunami (6,006,308) represent the closest prior arts of record wherein Carlson is directed to a method and apparatus for reducing the overhead required in conventional fault tolerant processing by redundant processors; Meyer reference discloses the concept of rejecting data transaction commands except for a specified data transaction command type while maintaining a storage device in a state responsive to data transactions commands of the specified data transaction command type during the transition of management functions from the first device to the second device. Carlson PGPUB discloses apparatus and method to schedule and perform database maintenance, and Matsunami teaches removable library media system utilizing redundant data storage and error detection and correction. None of the prior art references or the combination of the references disclose all the combined limitations in each amended claim separately; particularly the concept of rejecting data transaction commands, except for a new data transaction command of a specified data transaction

command type, during a transition of library management functions from a first library manager to a second library manager as cited in the amended claims 1, 10, 12, 15, 19 and 24. In light of the foregoing, the claims are found to be patentable over the prior arts.

Claims 2-7,9,13,17,18,20,21,23,25,26,28, and 30-36 further limit the indicated allowable independent claims. These claims are therefore allowable for the same reason as set forth above.

Any comments considered necessary by Applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan V. Thai whose telephone number is (571)-272-4187. The examiner can normally be reached on from 6:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew M. Kim can be reached on (571)-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an

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application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT/April 12, 2008

/Tuan V. Thai/

Primary Examiner, Art Unit 2186